

PAID

NOV 30 2017

For office use only:

Rezoning Case # 17-REZ-31

DEVELOPMENT SERVICES
Payment Method: CASH ☐ CHECK ☒ CREDIT CARD ☐ Amount: \$ 2500- P&Z HTE# 18-348
65801 Town of Cary

APPLICATION FOR REZONING

NOV 30 2017

Development Services

Associated Annexation Petition Yes No

Traffic Impact Study

Yes ☐
No ☒

TAR Number: _____

Staff confirmation: Initials DS

Date 11/30/17

Per. P. Kender
99 peak
Hour
Trip 5

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature Delia Shannan Date 11/30/2017

Submittal deadlines incorporate sufficiency review of rezoning/land use plan amendment applications. Signature by Planning Staff is required prior to payment of fees and final acceptance of application.

STAFF USE ONLY: Circle applicable Parts: 1 2 3A B1 3B2 3B3 3B4 3C1 3C2 3C3 3C4 3D 3E1a 3E1b 3E2 3F

Fees will not be accepted until the application is deemed sufficiently complete and signed by Planning Staff.

REZONING FEE:

\$1,400.00 – General rezoning, or initial zoning associated with owner-initiated annexation petition, 5 acres or greater

\$300.00 – Initial zoning associated with citizen-initiated annexation petition, less than 5 acres

\$1,900.00 – Conditional use rezoning (per change of zoning classification requested)

\$2,500.00 – Mixed Use District Rezoning (New MXD, or major amendment to existing PDP)

\$500.00 – Mixed Use District Rezoning (Minor amendment to existing PDP - typically less than 50% of floor area, number of units, etc.)

\$2,500.00 – New application or major amendments to approved Major PDD

\$1,250.00 – Minor PDD or Minor Amendment to Existing PDD

NOTE: An additional fee of \$150 will be charged for each additional public hearing or neighborhood meeting required due to changes in the request made during the rezoning process.

Project Name		Glenaire Expansion
Name of PDD (if applicable)		N/A
Location	Address	906 Kildaire Farm Rd., 111 and 0 W. Cornwall Rd., 960 Kildaire Farm Rd.
	General Location	.
	Jurisdiction (check one)	<u>Cary Corporate Limits</u> Cary ETJ Wake Co.* Chatham Co.* * Submittal of an annexation petition is required if rezoning is requested

Part 1: Applicant Information

Applicant	Applicant's Contact
Name Tim Webster Firm Glenaire Inc. Address 4000 Glenaire Cir City, State, Zip Cary, NC 27511-3884 Phone (area code) 336-886-6553 Email twebster@presbyhomesinc.org	Name Glenda Toppe Firm Glenda S Toppe & Associates Address 4139 Gardenlake Drive City, State, Zip Raleigh, NC 27612 Phone (area code) 919-605-7390 Email glenda@gstplanning.com

Part 2: Parcel & Owner Information

Property Owner(s) <i>Provide property owner name and address as it appears in the Wake or Chatham County Tax Records,</i>	County Parcel Number(s) (10 digit)	Real Estate ID(s)	Deeded Acres ¹
Glenaire Inc. 4000 Glenaire Cir Cary, NC 27511-3884	PIN 0763466922, 0763463987, 0763461827	REID 0023234, 0067712, 0189925	1.4, 1.78, 1.0
Marsh Pottery LLC 3599 Andrew L Tucker Rd. Fort Mill, SC 29715-8742	PIN 0763462595	REID 0119010	7.79
			11.97

¹ A property survey showing zoning district boundaries and acreages is required if multiple zoning districts are proposed or if the proposed rezoning applies to only a portion of a parcel.

Part 3A: Rezoning Request

Pre-Application Conference: No Date:

Existing Zoning	Base Zoning District(s)	MXD-Mixed Use, General Commercial Conditional Use (GC-CU) and General Commercial (GC)
	Zoning Overlay District(s) Check any that apply	<u>Mixed Use Overlay District</u> (Name: Mayfair) Conservation Residential Overlay District Airport Overlay District <u>Watershed Protection Overlay District</u> Jordan Lake Jordan Lake Critical Area <u>Swift Creek</u> Historic Preservation Overlay District
	Zoning Conditions (if any)	See Attached Zoning Conditions.
Proposed Zoning	Proposed Base Zoning District(s)	Mixed Use District MXD with PDP Preliminary Development Plan
	Proposed Zoning Conditions	1. The use is a Life Care Community: 192 Independent Living Units, 40 Health Care Units and an adult day care facility with a maximum of 10,000 square feet that will serve a maximum of 25-external users. 2. Maximum Building Heights Building Segments: A 58 feet; B 21 feet; C 80 feet; D 34 feet; E 80 feet; F 80 feet; G 80 feet; H 34 feet; I 80 feet NOTE: HEIGHT* * SPIRES, CUPOLAS, ANTENNAE ATTACHED TO THE BUILDING AND/OR PROJECTIONS FROM A BUILDING ARE NOT INCLUDED IN THE CALCULATION OF BUILDING HEIGHT. 3. Refer to PDP for All Conditions for the Proposed Rezoning.
	Proposed Changes to Overlay Districts	N/A
	Summary of Proposed Development or Purpose of Request	The previously approved zoning conditions are going away with the proposed rezoning as shown on the PDP. The proposed rezoning complies with the Future Growth Framework Map. The Cary Community Plan identifies this area for future redevelopment. The previously approved zoning conditions and conditions associated with a previously approved Preliminary Development Plan are superseded by the currently proposed rezoning as shown on the PDP. The proposed rezoning complies with the Future Growth Framework Map. The Cary Community Plan identifies this area for future redevelopment.

Part 3B: Applicant's Rezoning Justification Statement(s)

Rezoning Justification Statement #1 Required for all rezoning requests

Describe how the proposed rezoning meets the criteria listed below.

Section 3.4.1(E) of the Land Development Ordinance states that Council should consider the following criteria when reviewing all proposed rezonings:

- (1) The proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

Applicant's Comments: The proposed rezoning meets the changing conditions and trends identified in the Cary Community Plan. The changing conditions include more housing choices for the changing demographics in Cary. This includes housing options for seniors. The proposed rezoning is a step toward addressing the efforts to revitalize Mayfair Plaza and the surrounding area in order to take advantage of key economic development opportunities.

- (2) The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 of this Ordinance;

Applicant's Comments: The Development Category for the subject property is Commercial Center Mixed Use. The uses proposed are consistent with the Development Category. The proposed zoning classification is appropriate for the Commercial Center Mixed Use. Therefore, the proposed rezoning is consistent with the Cary Community Plan.

- (3) The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation, and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

Applicant's Comments: The subject property is currently in the Town limits of Cary. Utilities are available to the property. Service providers will be able to maintain current levels of service to existing development.

- (4) The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

Applicant's Comments: The proposed rezoning is unlikely to have significant adverse impacts on the natural environment.

- (5) The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and

Applicant's Comments: The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract. The proposed uses for the rezoning will compliment the existing uses already found in this area.

- (6) The proposed zoning classification is suitable for the subject property.

Applicant's Comments: The subject parcel is of an adequate size and shape to accommodate the proposed uses. The proposed rezoning is suitable for the subject property.

In addition to the criteria for a general rezoning specified in Section 3.4.1(E), rezoning requests to a MXD district shall be reviewed for compliance with the following criteria contained in LDO Section 4.5.2(E), as applicable [i.e., it may not be reasonable or practical to expect that some existing or partially-built mixed use districts (formerly activity center concept plans or mixed use sketch plans) to achieve certain design standards]:

(1) Intensity, Type, and Mix of Uses

The preliminary development plan includes an appropriate intensity, type, and mix of land uses, as outlined by the guidelines contained in the Comprehensive Plan. This shall be assessed in relation to the scale of the Mixed Use Overlay District and the mix and relationship of existing and planned uses, including residential, commercial, office, and institutional uses;

Applicant's Comments: The type and intensity of uses proposed is appropriate for this location given the surrounding development in the area. In the current Mixed Use Overlay District, there already exists retail and office uses. The Preliminary Development Plan (PDP) adds residential into the current mix of uses. Thus the type, intensity and mix of uses established in the PDP are appropriate for the context of the subject property.

(2) Site Design

The preliminary development plan shows how the proposed development will meet or exceed Town site design guidelines and other established Town standards, including connections and linkages to immediately adjacent properties;

Applicant's Comments: The PDP meets all of the Town's site guidelines and other established standards except where modifications are requested (refer to PDP).

(3) Expected Land Uses

The extent to which the proposed development provides the expected land uses, including medium- and higher-density housing, outlined by the numerical and other guidelines contained in the Comprehensive Plan;

Applicant's Comments: The proposed development provides the expected land uses as per the Cary Community Plan. The appropriate type of residential housing is being provided.

(4) Public Spaces

The preliminary development plan includes some formal outdoor space(s) for public use, such as a park, village green, or plaza; and

Applicant's Comments: The PDP provides outdoor spaces consistent with the requirements of the Town's Land Development Ordinance (LDO).

(5) Scale and Context

The preliminary development plan demonstrates that the proposed development is appropriate for the context and location, responds to the unique conditions of the area, and provides reasonable transitions within and adjacent to the district.

Applicant's Comments: The PDP demonstrates that the proposed development is appropriate for the context and location. The type and intensity of uses proposed will act as a catalyst for the future redevelopment of the remaining Mayfair Plaza. Adding new development and in particular residential uses to this location will provide an economic boost to the area. The proposed PDP responds to the unique conditions of the area. The specific use being proposed provides a reasonable transition within and adjacent to the district.

Rezoning Justification Statement #2

Describe how the proposed rezoning is consistent with or supported by the visions and policies of the Cary Community Plan.

Growth Framework Map

The Growth Framework Map designates the Property as a Commercial Center Mixed Use site. The proposed rezoning to MXD, which also requires a Preliminary Development Plan (PDP), is in conformance and compliance with both the Growth Framework Map and numerous policies in multiple chapters of the Cary Community Plan as identified below:

CHAPTER 1: FOUNDATIONS

The first chapter of the Cary 2040 Community Plan (CCP) is Foundations. The foundations of the CCP include future fiscal options, economic policies and strategies, noting the aging and diversifying population within Cary, limited land for development, integration of land use and transportation, neighborhood protection and housing choices, new infill and redevelopment opportunities, destination centers, transit-oriented development and demand for 21st Century Development Options.

The following analysis of the policies associated with each chapter of the CCP describes how the proposed rezoning complies with the CCP.

CHAPTER 2: LIVE CHALLENGES AND OPPORTUNITIES

The Live Chapter notes that Cary had the third oldest median age of the 14 largest cities in North Carolina at 37.7 years in 2011. The population of seniors continues to increase and coupled with the growth of single individual households, the demand for housing for an aging population that wants to “age in their current community” is growing. Some seniors are seeking housing alternatives that provide better accessibility features that address mobility, accessibility, and offer opportunities for engagement with friends and neighbors.

Policy 1: Maintain Neighborhood Character:

Recognize, preserve, and protect the quality and character of existing ` neighborhoods as they mature, and as new development occurs nearby.

The proposed MXD zoning with a PDP is one of the best methods to maintain the neighborhood character. By submitting a PDP the proposed development will have to address issues and details on the neighboring properties along the perimeter of the development. With an existing housing complex for seniors just north of the property, the proposed development will be a sensitively designed and treated extension of what is already part of the neighborhood character.

Policy 2: Provide More Housing Choice for All Residents

Provide high quality housing in suitable areas that can accommodate a variety of lifestyles, households, ages, cultures, market preferences, and incomes. This includes dwellings for aging seniors and empty nesters, multi-generational households, young professionals, young families, and members of the local workforce.

This policy specifically notes the desire for the provision of dwellings for aging seniors and empty nesters for Cary's growing senior population. The proposed rezoning directly addresses this policy point and it does so at a location that is proximate to services and transit. The proposed rezoning will permit the development of a project that addresses seniors with mobility challenges and special needs.

Policy 4: Provide the Greatest Variety of Housing Options in Mixed Use Centers:

Provide the greatest variety of housing types and densities within Destination Centers, Commercial Mixed Use Centers, and Employment Mixed Use Centers as designated by the Future Growth Framework, as well as within Downtown Cary. The mix of housing types could include apartments, condominiums, and live/work units over office and retail; separate apartment complexes and courtyard apartments, townhomes, patio homes; and small multi-family units such as fourplexes, triplexes, and duplexes.

The Property is identified on the CCP Growth Framework Map as being a Commercial Center Mixed Use. The proposed rezoning provides exactly what this policy is seeking by providing the opportunity for the development of seniors housing within walking distance of shopping and services.

Policy 5: Support Residential Development on Infill and Redevelopment Sites

Support residential development on infill and redevelopment sites that is designed to acknowledge the surrounding context, while supporting other LIVE policies.

The Property proposed for the rezoning is an infill development/redevelopment site. The proposed development will serve as a natural transition from the existing residential development around and near the Property to the existing non-residential development immediately to the south of the Property. Furthermore, the PDP provides a mechanism for the proposed development to be "context sensitive" and be compatible with or transition to neighboring properties. This policy also recognizes that density of residential development may have to reflect the realities of the economics of infill development and project viability.

CHAPTER 3: WORK ASSURING CONTINUED PROSPERITY

Policy 2: Enhance Locational Appeal to Businesses and Workers

Maintain or enhance Cary's locational appeal to businesses and workers. This includes providing a quality of life and a built environment that appeals to, and attracts, both businesses/ employers and the workforce of tomorrow.

The proposed rezoning will enhance the locational appeal to businesses and workers because it will enhance the overall quality of life in Cary. Businesses will be able to attract workers with aged parents who may need the type of housing that may be developed through this rezoning. The demographic profile of the US population will see a growing senior population in Cary. Many families want to remain near their older generation, and multi-generational is a term that is not limited to just a physical household. The term can be and has been expanded to include the movement of multiple generations of a family to the same town-- but to different dwellings. There is a growing trend of aging parents moving to be near their mid-life children and their families. Having the opportunity for aging parents to live in a desirable senior community can only enhance decisions by both businesses and workers.

Policy10: Reserve and Provide Employment Sites in Selected Commercial Mixed Use and Destination Centers

The proposed rezoning/development will provide employment opportunities for a diverse array of jobs ranging from service workers to medical professionals and allied professions. It will add to the employment base in Cary.

CHAPTER 4: SHOP **CHALLENGES AND OPPORTUNITIES**

This section of the CCP recognizes the importance of creating new opportunities for infill and redevelopment as commercial centers age and warrant new investment and development ideas.

Policy 1: Facilitate Redevelopment of Underperforming Commercial Centers

Reserve and provide sites for employment and economic development opportunities within a targeted set of new or existing mixed use commercial developments and Destination Centers, as well as within Downtown Cary.

The proposed rezoning/development is located in a Commercial Center Mixed Use area as designated on the Growth Framework Map, and it will begin the process of facilitating the revitalization of the adjacent retail properties by adding to the immediate population base. Furthermore, the proposed rezoning may serve as a catalyst for reinvestment in the commercial center by experienced retail redevelopment companies. The proposed rezoning/development in a mixed use context is compatible with the existing or future redevelopment of the retail uses.

CHAPTER 6: SHAPE

GUIDING COMMUNITY GROWTH

In this section Cary values focusing on redevelopment efforts on underperforming land and building assets as well as on new infill development on vacant areas that are already served by existing infrastructure. Older shopping centers and commercial areas are key redevelopment priorities. This also means providing locations where people can live, shop and potentially work in a compact walkable community.

Policy 1: Distribute Commercial Centers, Commercial Mixed Use Centers, and Destination Centers Across Town:

Locate Commercial Centers, Commercial Mixed Use Centers, and Destination Centers throughout Town such that they are distributed at regular intervals and separated geographically by about a mile or so in most cases, so as to avoid continuous retail and nonresidential "strip" development along our major roadways.

The proposed rezoning/development, as part of a Commercial Mixed Use Center location will be adjacent and walkable to daily shopping and services needs of its residents and workers. It will reduce or eliminate the need for vehicular trips from the occupants and improve the visual appearance of Kildaire Farm Road by avoiding strip retail development.

Policy 2: Focus the Most Intense Types of Development in Strategic Locations

Strive to locate the more dense forms of housing, retail, and office uses in Commercial Mixed use Centers, Destination Centers, Mixed Use Employment Campuses and Downtown Cary. Such uses might include multifamily residential and vertically mixed multistory commercial and office buildings.

The proposed rezoning/development is located on Property in a Commercial Mixed Use Center. The higher density housing will support the overall development/redevelopment of this Commercial Mixed Use Center.

Policy 3: Encourage Mixed Use Development

Support the creation of developments and locations that include a mix of commercial/retail uses, office and employment, and housing. Site designs should encourage future densification of sites.

The proposed rezoning/development will introduce higher density housing into a Commercial Mixed Use location designated on the Growth Framework Map. It will enable the redevelopment of the Mixed Use area to emerge as the aggregate result of a number of property redevelopment decisions per this policy on a horizontal side by side basis.

Policy 4: Support and Facilitate Redevelopment and Infill Development

To support economic development policies, Cary will support and facilitate redevelopment and infill development, particularly within Commercial Mixed Use and Destination Centers, Downtown Cary, and core neighborhoods.

The rezoning of the Property to MXD with a PDD will enable stakeholders to address and evaluate the infill/redevelopment of the Property in a detailed way. The development will be designed in a manner to complement surrounding properties, and the increased density will be sensitively treated through the PDD. The rezoning of this property will increase the efficient use of the Town's utility and roadway infrastructure.

Policy 5: Support the Revitalization of Targeted Redevelopment Corridors

Support the revitalization of a select number of targeted "redevelopment corridors"—thoroughfare corridors in older portions of Town where conditions have changed over time. Redevelopment corridors offer new opportunities for economic investment, and for improving the overall image of Cary.

The Property is located in a Commercial Mixed Use are bounded by both Maynard Road and Kildaire Farm Road, and meets the intent of this policy to strengthen both the economic and visual appeal of these specific corridors. The rezoning/development will be an investment in infill/redevelopment that capitalizes on corridor location and visibility and roadway connections. It will prevent a decline in housing or non-residential uses along these corridors and will be designed in a manner that is complementary with surrounding properties.

Policy 6: Provide Appropriate Transitions Between Land Uses

Support the provision of appropriate transitions between sites having markedly different types or intensities of land uses.

The rezoning of the Property to MXD with a PDD will enable the form, use, and architectural transitions sought by this policy to be implemented through the PDD process. The PDD will enable any proposed development to be sensitively designed and reviewed for managing transitions between developments.

Policy 8: Preserve and Maintain Cary's Attractive Appearance and Quality of Development

Preserve and maintain Cary's attractive appearance, with particular attention to the appearance of and views from our public spaces, while also encouraging high quality and attractive development.

The proposed rezoning to MXD with a PDD will address the concerns of the CCP regarding views from public areas and spaces as well as private views from within any proposed development. The PDD process will detail the concepts and tools used to preserve and maintain and improve the visual quality of the Kildaire Farm Road corridor and the views therefrom for the benefit of Cary residents and visitors.

Part 3C(2): LIMITED LIABILITY COMPANY - The area to be rezoned is owned by a limited liability company properly registered with the State of North Carolina. If 'member managed' all members must sign. If 'manager managed,' all managers must sign. **(Must be notarized).**

Manager-Managed

Manager(s) is/are:

Printed Name

Timothy G. Marsh

Signature

T. Marsh

Date

11/21/2017

Printed Name

Signature

Date

Printed Name

Signature

Date

Member-Managed

Member(s) is/are:

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____

If member/manager is an **individual**:

STATE OF South Carolina

COUNTY OF York

I, Brett Brackett, a Notary Public, certify that Timothy G. Marsh

(Name of Notary)

personally came before me this day and acknowledged that he/she is Member Manager (Circle One) of

Marsh Pottery

(Name)

LLC and that he/she, as Member Manager (Circle One) _____

Marsh Pottery

(Name of LLC)

LLC and that he/she, as Member Manager being authorized voluntarily executed the

(Circle One)

foregoing on behalf of said limited liability company for the purposes stated therein.

Witness my hand and official seal, this the 21 day of November, 20 17.

[OFFICIAL SEAL]

Brett Brackett

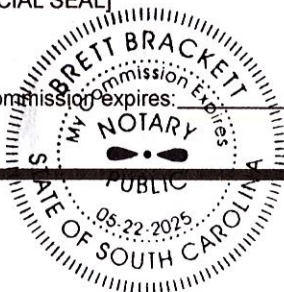
Notary Public

Brett Brackett

Printed Name of Notary Public

My Commission Expires:

5/22/2025



STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, certify that

(Name of Notary) (Name)

personally came before me this day and acknowledged that he/she is the General Partner of

_____, and that he/she, as General Partner, being authorized
(Name of Partnership)

to do so, voluntarily executed the foregoing on behalf of said entity for the purposes stated therein.

Witness my hand and official seal, this the _____ day of _____, 20____.

[OFFICIAL SEAL]

Notary Public

Printed Name of Notary Public

My Commission expires: _____

Part 3C(4): CORPORATION – The area to be rezoned is owned by a corporation properly registered with the State of North Carolina. (Must be notarized).

The ~~President~~ Vice President is Nancy L. Russell of
STENAIRE, INC

(Typed or Printed Name) (Typed or Printed Corporation Name)

Signature Nancy L. Russell
Date 11-22-17

STATE OF North Carolina

COUNTY OF Wake

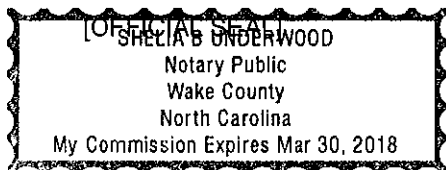
Shelia B Underwood a Notary Public, do hereby certify that Nancy Russell
(Name of Notary) (Name of President/Vice President)

personally came before me this day and acknowledged that he/she is President / Vice-President
(circle one)

of Colendine, Inc. and that he/she as President / Vice-President
(Corporation Name) (circle one)

being authorized to do so, voluntarily executed the foregoing on behalf of said corporation for the purposes stated therein.

Witness my hand and official seal, this the 22 day of November, 2017.



Shelia B Underwood
Notary Public

Shelia B Underwood
Printed Name of Notary Public

My Commission expires March 30, 2018

Part 3D: Authorized Agent Authorization (must be notarized, and signed by property owner(s) identified in Part 3C. Attach additional sheets if necessary)

Required if the owner(s) of property proposed to be rezoned to a Conditional Use, Planned Development, or Mixed Use Zoning District wish to authorize another individual or entity to represent them through the public hearing process, and make binding statements and commitments regarding the request.

One of the following must be included as an attachment to this application:

- Power of Attorney stating that the agent is authorized to represent and bind the property on behalf of the property owner.
- OR
- If the agent is the contract purchaser of the property, a redacted copy of a fully executed sales contract containing a clause or clauses allowing an application to be filed.

I/We, Marsh Pottery LLC the fee simple owner(s) of the following described property:
Property Owner Name(s)

REID 0119010

PIN, Real ID Number or Legal Description

hereby petition the Town of Cary to amend the Zoning Map to: (check all that apply)

Change the zoning district(s) from MXD-Mixed Use, General Commercial (GC) to MXD PDP

Amend zoning conditions applicable to an existing conditional use district

Amend the PDD document and/or Master Plan for the _____ Planned Development District

Amend the Preliminary Development Plan for the _____ Mixed Use District

and affirm that Glenaire Inc. is hereby designated to act as my/our agent
Authorized Agent

and to file the attached application for the stated amendment(s) and make binding statements and commitments regarding the amendment request(s).

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of the Town of Cary, North Carolina and are not returnable.

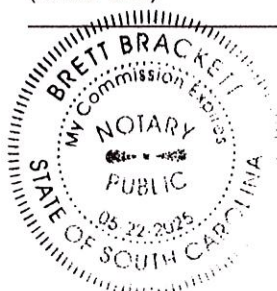
[Signature]
Owners' Signature (s)

11/21/2017
Date

York COUNTY, NORTH CAROLINA South Carolina

SWORN TO AND SUBSCRIBED before me this 21 day of November, 2017

(Official Seal)



[Signature]

Signature of Notary Public

My Commission Expires: 5/22/2025